

REMARKS

In the Office Action dated July 24, 2006, the Examiner rejected claims 1-23 and 25 under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention; and rejected claim 24 under 35 U.S.C. § 102(e) as being anticipated by *Morito* (U.S. Patent No. 6,782,190).

Applicants thank the Examiner for indicating that claims 1-23 and 25 would be allowable if rewritten or amended to overcome the rejection under 35 U.S.C. § 112, second paragraph. Applicants have therefore amended claims 1, 3, 5, 8, 9, 11, 13, 16, 17, 19, 21, 22, 23, and 25 to overcome the above rejection and to correct minor informalities. Accordingly, the rejection of independent claims 1, 9, 17, and 25 and dependent claims 2-8, 10-16, and 18-23 under 35 U.S.C. § 112, second paragraph, should be withdrawn.

Applicants respectfully traverse the rejection of claim 25 under 35 U.S.C. § 102(e), because *Morito* fails to disclose each and every claim recitation. For example, claim 25 recites, *inter alia*, a data recording apparatus comprising:

control means for disabling the return of said content
data from said second recording medium to said data
transfer apparatus through said communication means.

Morito fails to disclose at least the claimed control means. Instead, *Morito* discloses a method for preventing the playback and copying of unauthorized DVD disk copies. (*Morito*, Abstract.) In particular, *Morito* discloses that during the creation of an original DVD disk, data from a data archive 12 is recorded onto a DVD disk. (*Morito*, 5:23-27.) Along with the data, a disk identifier (S_d) is also recorded onto the disk. (*Id.*)

Therefore, if the data of the original disk is subsequently copied to another DVD disk, the disk identifier (S_d) is also copied. Playback and further copying of the copied disk can be prevented by comparing the stored disk identifier (S_d) against disk identifier of the copied disk (S_p) whenever the disk is loaded into a DVD player or recorder. (*Id.* at 5:64-6:3.) If the disk has not been previously copied, the S_d and S_p identifiers will be the same, and playback or copying will be allowed. (*Id.* at 5:3-14.) However, if the disk has been previously copied, then the S_d and S_p identifiers will be different, and playback or copying will not be allowed. (*Id.*) As is apparent from this method, “the making of a copy of an original disk is not itself prevented.” (*Id.* at 6:19-20.) Therefore, according to the disclosure of *Morito*, nothing prevents the data contained in the original disk from being returned to the data archive 12. Accordingly, *Morito* fails to disclose a “control means for disabling the return of said content data from said second recording medium to said data transfer apparatus through said communication means,” as recited in claim 24.

In view of the above, Applicants respectfully request withdrawal of the rejections of independent claim 24 under 35 U.S.C. § 102 and claims 1-23 and 25 under 35 U.S.C. § 112 and the timely allowance of the claims. The preceding arguments are based on the arguments presented in the Office Action, and therefore do not address patentable aspects of the invention that were not addressed by the Examiner in the Office Action. The pending claims may include other elements that are not shown, taught, or suggested by the cited art. Accordingly, the preceding argument in favor of patentability is advanced without prejudice to other bases of patentability. Furthermore, the Office Action contains a number of statements reflecting characterizations of the related art


and the claims. Regardless of whether any such statement is identified herein,
Applicants decline to automatically subscribe to any statement or characterization in the
Office Action.

Please grant any extensions of time required to enter this response and charge
any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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